

SEP 28 '04 13:46 TO:0000#41#17038729306#

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T-905 P.01 F-246

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FACSIMILE TRANSMISSION

DATE: September 28, 2004

TIME IN:
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TO:

Name	Fax Number	Phone Number
USPTO	703-872-9603 <i>9306</i>	
Examiner Gabel USPTO	571-273-0820	571-272-0820

FROM: Joseph W. Price

PHONE: 949-253-4920

MESSAGE:

RE: 09/511,824

Attorney Docket: 42479-2500

Please see attached Terminal Disclaimer and accompanying transmittals.

Thank you.

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ORIGINAL DOCUMENT:

NUMBER OF PAGES (Including Cover): 6

CONFIRMATION NO.:

CLIENT MATTER NO.: 99999-0000

PLEASE RETURN TO: Sharon Farnus

PERSONAL FAX: No

REQUESTOR: Joseph W. Price

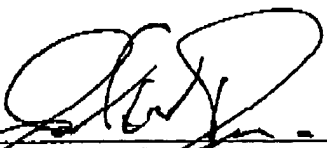
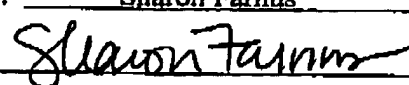
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FARNUS:IRV307430.1

PAGE 1/6 * RCVD AT 9/28/2004 4:37:43 PM [Eastern Daylight Time] * SVR:USPTO-EFAX-1/10 * DNIS:8729306 * CSID:949 955 2507 * DURATION (mm-ss):02-06

TRANSMITTAL LETTER (General - Patent Pending)			Docket No. 42479-2500
In Re Application Of: Yasuo Yamao et al.			
Serial No. 09/511,824	Filing Date 02.24.2000	Examiner Gailene Gabel	Group Art Unit 1641
Title: IMMUNOASSAY METHOD FOR LYSSED WHOLE BLOOD		RECEIVED CENTRAL FAX CENTER SEP 28 2004	
<u>TO THE COMMISSIONER FOR PATENTS:</u>			
Transmitted herewith is: Letter to Examiner Re Submission of Terminal Disclaimer Fee Transmittal Terminal Disclaimer			
in the above identified application.			
<input type="checkbox"/> No additional fee is required.			
<input type="checkbox"/> A check in the amount of _____ is attached.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 19-2814 as described below.			
<input checked="" type="checkbox"/> Charge the amount of \$110.00			
<input checked="" type="checkbox"/> Credit any overpayment.			
<input checked="" type="checkbox"/> Charge any additional fee required.			
 _____ <i>Signature</i>		Dated: September 28, 2004	
Joseph W. Price Reg. No. 25,124 SNELL & WILMER, LLP 1920 Main Street, Suite 1200 Irvine, CA 92614 Tel: 949-253-4920 Fax: 949-955-2507 Customer No. 21611		I hereby certify that this correspondence is being sent via Facsimile at 703-872-9306 to Gailene Gabel, at the USPTO on September 28, 2004 By: <u>Sharon Farnus</u>  _____ Signature Dated: September 28, 2004	
cc:			

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** \$110.00**Complete if Known**

Application Number	09/511,824
Filing Date	02.24.2000
First Named Inventor	Yamao, Yasuo
Examiner Name	Gabel, Callene
Art Unit	1641
Attorney Docket No.	42749-2500

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None☒ Deposit Account:Deposit Account Number **19-2814**Deposit Account Name **Snell & Wilmer LLP**

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	630	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing	
1005	160	2006	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	

2. EXTRA CLAIM FEES FOR UTILITY AND

Extra Claims		Fee from below		Fee Paid
Total Claims	-30** =	0	X	
Independent Claims	-3** =	0 <td>X</td> <td>0.00</td>	X	0.00
Multiple Dependent				

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)				(\$)	\$0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	280	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (unless number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.128(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.128(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) <u>Terminal Disclaimer</u>					110.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) \$110.00**SUBMITTED BY**

Name

Joseph W. Price

Registration No.
(Attorney/Agent)

25,124

Complete (if applicable)

Telephone

949-253-4920

Signature

Date

September 28, 2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Patent
42479-2500**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Yasuo Yamao, et al.

Serial No.: 09/511,824

Filed: February 24, 2000

For: IMMUNOASSAY METHOD
FOR LYSED WHOLE BLOOD

Patent Examiner: Gailene Gabel

Group Art Unit: 1641

September 28, 2004

Irvine, California 92614

LETTER TO EXAMINER RE SUBMISSION OF TERMINAL DISCLAIMER**VIA FACSIMILE**

703-872-9306

ATTN: EXAMINER GAILENE GABELMail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner Gabel:

In accordance with your telephone request, attached hereto is an executed Terminal Disclaimer for the parent U.S. Patent 6,030,845.

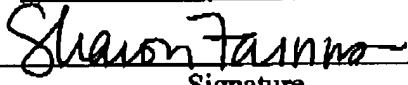
It is my understanding that this should place the case in condition for allowance and that it will not be necessary for us to proceed forward to file an appeal brief.

I wish to thank you for your courtesy in addressing this issue and bringing it to our attention.

Patent
42479-2500

If there are any questions please contact the attorney at the telephone number below.

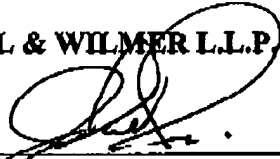
I hereby certify that this correspondence is being sent via Facsimile at 703-872-9306 to Gailene Gabel, at the USPTO on September 28, 2004

By: Sharon Farnus

Signature

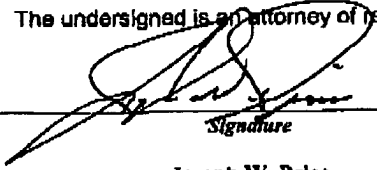
Dated: September 28, 2004

Very truly yours,

SNELL & WILMER L.L.P.



Joseph W. Price
Registration No. 25,124
1920 Main Street, Suite 1200
Irvine, California 92614-7230
Telephone: (949) 253-4920

Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent			Docket No. 42479-2500
In Re Application Of: Yasuo Yamao et al.			
Serial No. 09/511,824	Filing Date 02.24.2000	Examiner Gallene Gabel	Group Art Unit 1641
Invention: IMMUNOASSAY METHOD FOR LYSED WHOLE BLOOD		RECEIVED CENTRAL FAX CENTER SEP 28 2004	
Owner of Record: Horiba, Ltd.			
<u>TO THE COMMISSIONER FOR PATENTS:</u>			
<p>The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,030,845. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney of record.</p> <div style="margin-top: 20px;"> _____ Joseph W. Price <small>Typed or Printed Name</small></div> <div style="margin-top: 20px;">Dated: September 28, 2004</div> <div style="margin-top: 20px;"><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 C.F.R. 1.20(d) included. <input checked="" type="checkbox"/> PTO suggested wording for terminal disclaimer was unchanged. <input type="checkbox"/> Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.</div>			